APPENDIX

No. 85-1551

IN THE SUPREME COURT
OF THE UNITED STATES

OCTOBER TERM, 1986

ALAN J. KARCHER, *et al.*,
Appellants,

RONALD and CATHERINE SOKALSKI,
Intervenors-Appellants

v.

JEFFREY MAY, *et al.*,
Appellees.

AFFIDAVIT OF RONALD SOKALSKI

1. I reside in Little Falls, New Jersey and am a natural parent and legal guardian of Lara Ann Sokalski who is a minor child enrolled in the New Jersey public school system. I make this affidavit in support of a motion to intervene as an appellant in this matter in order to argue in defense of the New Jersey moment of silence statute, N.J.S.A. 18A:36-4.

2. Lara Ann is nine years old and was born on July 16, 1977. She has been enrolled in the New Jersey public school system since kindergarten and presently is a fourth grade student in the Little Falls Elementary School No. 1.

3. I consider my daughter's public school education as one of the most important elements of her upbringing. I am actively involved in her schooling and concerned that she receive the best education possible.

4. I believe that a moment of silence at the start of her school day is a positive and beneficial factor. It is a time for her as well as the other students to gather their thoughts for the ensuing school day and recognize the importance of the subjects which they face. All of the children will have an opportunity to feel that they are part of a family within the school community where they spend the greatest part of their day. How they react and interact in that setting can positively affect each one of them. If the class feels as one, their behavior and deportment will lend itself to a productive day. Hopefully, my daughter will say a prayer at this time for guidance and help throughout the day. This will conform to my own personal religious belief.

5. The moment of silence does not promote or establish religious practices in the school. There is no obligation upon the children to pray. They may just relax and gather their thoughts before the start of the day. The importance of the moment of silence is for the children to start their day with a renewed belief that they will attempt to do well in their school work. My personal conviction is that a prayer will advance this goal and I believe that the school should be allowed to accommodate that conviction.

6. Without a state law clearly authorizing a teacher to begin school this way, I do not believe that Lara's teachers will begin with a moment of silence and without that time set aside I believe Lara's experience in school will suffer.

/s/ R. B. Sokalski
RONALD B. SOKALSKI

4/2/87
John P. Pullara
JOHN P. PULLARA
NOTARY PUBLIC OF NEW JERSEY

My Commission Expires Jan. 11, 1989

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AFFIDAVIT OF CATHERINE SOKALSKI

1. I reside in Little Falls, New Jersey and am a natural parent and legal guardian of Lara Ann Sokalski who is a minor child enrolled in the New Jersey public school system. I make this affidavit in support of a motion to intervene as an appellant in this matter in order to argue in defense of the New Jersey moment of silence statute, N.J.S.A. 18A:36-4.

2. Lara Ann is nine years old and was born on July 16, 1977. She has been enrolled in the New Jersey public school system since kindergarten and presently is a fourth grade student in the Little Falls Elementary School No. 1.

3. I consider my daughter's public school education as one of the most important elements of her upbringing. I am actively involved in her schooling and concerned that she receive the best education possible.

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6. Without a state law clearly authorizing a teacher to begin school this way, I do not believe that Lara's teachers will begin with a moment of silence and without that time set aside I believe Lara's experience in school will suffer.

/s/ Catherine W. Sokalski
CATHERINE W. SOKALSKI

4/2/87
John P. Pullara
JOHN P. PULLARA
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Jan. 11, 1989

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AFFIDAVIT OF TWYLLA FLANDERS

1. My name is Twylla Flanders and I reside in Mahwah, New Jersey. I am currently employed as a school teacher in the New Jersey public school system. I teach remedial reading to grades one through eight at the Wandell Elementary School in Saddle River, New Jersey. I am making this affidavit based on my personal beliefs and experiences and not on behalf of the school system or any other official body or representative of the State of New Jersey.

2. I have been teaching elementary school children in New Jersey and elsewhere for sixteen years, and I believe that it is appropriate and educationally beneficial to begin the school day with a moment of silence. In my experience, the children can benefit from quiet contemplation, whether or not that contemplation is prayerful. In fact, there is no way of knowing what each child thinks about during that moment. A moment of silence, for meditation or prayer or simply for reflection and contemplation of the work ahead, is particularly appro-

priate at the beginning of a school day when children must begin the sometimes difficult process of focusing their attention on their lessons.

3. In the past, I have used a moment of silence at the start of the school day. Because of the current status of the New Jersey moment of silence statute, I presently do not require a moment of silence in any of my classes. I am aware that the moment of silence statute in New Jersey has been declared unconstitutional by a federal court and I am concerned that if I conducted a moment of silence in my classes, I would expose myself, and possibly my school, to legal liability. However, if the New Jersey moment of silence statute were in effect, and declared constitutional, I would employ a daily moment of silence in my classroom.

4. It is my personal belief that allowing for a moment of silence does not promote or establish any religious beliefs or practices in the public school. I do not believe that a moment of silence is coercive or in any way detrimental to children of diverse religious backgrounds. I certainly have never attempted to advance religion through a moment of silence.

5. In the absence of a state law authorizing me as a teacher to begin the school day with a moment of silence, I am constrained from using a moment of silence in my classroom. As I have stated, I believe that such a moment of silence is a useful and appropriate way to begin the school day. Therefore, I am making this affidavit in support of my motion to intervene as an appellant in this matter, on behalf of myself and other public school teachers in New Jersey who support the New Jersey moment of silence statute.

/s/ Twylla Flanders
TWLLLA FLANDERS

John H. Closthwaite
Commission Expires
6/24/89
Notary Public